

REMARKS

I. Status of the Application

Claims 1-20 are pending in this application. In the December 13, 2004 Office action, the examiner objected to claims 1-16 for cited informalities. In addition, the examiner rejected claims 1-3, 8-12, 14-17, 19 and 20 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,918,995 to Pearman et al. (hereinafter "Pearman"). In addition, the examiner rejected claims 4-7 and 13 under 35 U.S.C. § 103(a), as being unpatentable over Pearman in view of U.S. Patent No. 5,343,758 to Ingrain et al. Finally, the examiner rejected claim 18 under 35 U.S.C. § 103(a), as being unpatentable over Pearman in view of U.S. Patent No. 4,829,449 to Polesnak.

In this response, applicants respectfully request reconsideration of pending claims 1-20, in view of the foregoing amendments and the following remarks.

II. The Objection to Claims 1-16 Should be Withdrawn

In the December 13, 2004 Office action, the examiner objected to claims 1-16 because of an informality in claim 1 and an informality in claim 11. Applicant has amended claims 1 and 11 to correct the informalities. Accordingly, applicant respectfully submits that the objection to claims 1-16 should be withdrawn.

III. Claims 1, 11 and 17

In the December 13, 2004 office action, the examiner rejected claims 1, 11 and 17 under 35 U.S.C. § 102(b) as being anticipated by Pearman. Applicant respectfully traverses the rejection of claims 1, 11 and 17, as the Pearman reference does not disclose

all limitations of applicant's claims 1, 11 and 17.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In the present case, the Pearman reference does not disclose all the limitations of claims 1, 11 and 17. For example, the Pearman reference does not disclose “a source of energy signals representative of electrical energy received by the facility”. With respect to this limitation, the examiner points to Figs. 6 and 7 and col. 6, lines 40-52 and col. 7, lines 26-40 of Pearman as showing a source of energy signals representative of the electrical energy received by the facility. However, the portions of Pearman cited by the examiner do not disclose a source of energy signals representative of the electrical energy received by the facility. Instead, this portion of Pearman only discloses a plurality of constant current sources 71-74 used to energize the sensors 71-13 and heater grid 54. Nowhere in Pearman is there any disclosure of “a source of energy signals representative of electrical energy received by the facility.”

Another example of a limitation not found in Pearman is that the Pearman reference does not disclose a meter operable to “generate electrical energy consumption metering information from the energy signals” as required by each of claims 1, 11 and 17.

For at least the reasons discussed above, Pearman does not disclose all limitations of claims 1, 11 and 17 of the present application. Accordingly, it is respectfully submitted that claims 1, 11 and 17 are allowable and the examiner's rejection of claims 1, 11 and 17 as anticipated by Pearman under 35 U.S.C. § 102(b) should be withdrawn.

IV. Dependent Claims 2-9, 12-16 and 18-20

Dependent claims 2-9, 12-16 and 18-20 each depend from and incorporate all the limitations of one of allowable independent claims 1, 11, or 17. Accordingly, it is respectfully submitted that dependent claims 2-9, 12-16 and 18-20 are also allowable for at least the same reasons that independent claims 1, 16 and 19 are allowable.

V. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,



Harold C. Moore
Attorney Registration No. 37,892

Please address correspondence to:

Russell E. Fowler II
Maginot Moore & Bowman
Bank One Center Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5130
Telephone: (317) 638-2922
Facsimile: (317) 638-2139
Email: refowler@maginot.com